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ARIZONA ATTORNEY GENERAL

March 1, 1962
Letter Opinion No. 62-32-L

REQUESTED BY: Raymond W. Ceton
Executive Secretary
State Planning and Building Commission

QUESTION: May account number 1-1-20-000-0503 be
utilized for preliminary rehabilitation
work at the Tucson State Office Building?

CONCLUSION: No.

It is the opinion of this office that your specific account No. 1-1-20-000-0503 and appropriation, established by Chap. 58, Laws of 1957 by way of an appropriation of \$500,000.00 for the purpose of constructing in Tucson, Arizona, a State Office Building, which appropriation was increased by Chap. 1 of the Laws of 1958 by the re-allocation of an additional \$169,059.12, also for the purpose of constructing in Tucson, a State Office Building, is limited to construction. Words and Phrases, page 471:

"'Construction' is ordinarily defined as the building or erection of something which did not exist before, as distinguished from the alteration, repair, or improvement of something already existing, but the word is one of variable meaning. Larson v. Crescent Planing Miss Co., Mo. App., 218 S.W. 2d 814, 820....

'Construct' is not symonymous with 'repair' 'improve', or 'maintain' under the accepted terminology. People ex rel. Prindable v. New York Cent. R. Co., 73 N.E. 2d 302, 303, 397, 111. 247....

The word 'construction' in its ordinary sense means to build or erect something which theretofore did not exist. Board of Sup'rs of Covington County v. State Highway Commission, 194 So. 743, 748, 188 Miss. 274."

For the above reasons we do not feel that rehabilitation would come under the terms of the appropriation, and that if any funds remain in the appropriation, the Legislature would have to re-allocate the funds for your purposes.

Yours very truly,

ROBERT W. PICKRELL
The Attorney General

ANDY BAUMERT
Assistant Attorney General

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